

**NOTICE
OF
ENACTMENT OF ORDINANCE**

TO: THE CITIZENS OF DETROIT, MICHIGAN

On April 28, 1995, the City Council adopted the following Ordinance:

**ORDINANCE NO. 7-95
CHAPTER 44
ARTICLE V**

AN ORDINANCE to amend Chapter Article V, of the 1984 Detroit City Code by amending Sections 44-5-1 through 44-5-9 and Sections 44-5-11 through 44-5-19 to add a definition for the terms 'pro-release adjustment center', 'shelter', '*shelter for victims of domestic violence' and 'substance abuse service facility', to make the provisions of this article applicable to shelters for victims of domestic violence, to change the license expiration date for shelters from April 30th of each year to August 31 at of each year, and to change the license renewal date for shelters from May I at of each year to September lot of each year.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 44, Article V, of the 1984 Detroit City Code be amended by amending Sections 44-5-1 through 44-5-9 and Sections 44-5-11 through 44-5-19 to read as follows:

ARTICLE V. SHELTERS DIVISION 1. GENERALLY Sec. 44-5-1. Definitions.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Adult foster care facility means a governmental or non-governmental establishment which principally receives adults for foster care including a foster care family home for adults who 1) are aged, emotionally disturbed, developmentally disabled or physically handicapped, 2) require supervision on an ongoing basis and 3) do not require continuous nursing care, but excludes a nursing home, a home for the aged, a hospital, a hospital for the mentally ill, a county infirmary, and a facility operated for the developmentally disabled by the Michigan Department of Mental Health.

Adult resident means a resident who has passed his or her eighteenth (18th) birthday.

Designated transitional housing means housing which is defined by the United States Department of Housing and Urban Development in 24 C.F.R. 577.5 as 'transitional housing' or in 24 C.F.R. 583.5 as 'supportive housing'.

Emergency shelter means a facility which provides congregate style temporary lodging either with or without meals and ancillary services on the promises to primarily the homeless for more than four (4) weeks in any calendar year but does not provide such lodging to any Individual 1) who is required because of age, mental disability or other reason to reside either in a public or private Institution, or 2) who is imprisoned or otherwise detained pursuant to either federal or state law, and excludes an adult foster care facility, designated transitional housing, a nursing home, a temporary emergency shelter, and a warming center.

Homeless means an individual who, or family which, lacks a fixed, regular and adequate nighttime residence, or whose primary nighttime residence is 1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or 2) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Minor resident means a resident who has not passed his or her eighteenth (18th) birthday.

Nursing home means a facility which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury or infirmity, and which is not a unit in a correctional facility that is operated by the Michigan Department of Mental Health.

Operator means the individual who, or partnership, organization or corporation which, manages either a shelter or a temporary emergency shelter on behalf of or in concert with the owner(s) whether or not for remuneration of any kind.

Owner means the individual who, or partnership, organization or corporation which, is the applicant for a license for a shelter or is responsible for filing with the Consumer Affairs Department a letter of notification for a temporary emergency shelter.

Pro-release adjustment center means an establishment which provides shelter, supervisory and social services to convicts in a pre-release parole preparation program as authorized either by the Michigan Corrections Commission under the Authority of Public Act 323 of 1953, as amended, or by the Federal Bureau of Prisons under the Authority of Public Law 91-492, as amended.

Resident means a homeless individual or a victim of domestic violence who, after being processed by respective staff member(s) either of a shelter or of a temporary emergency shelter, is admitted to utilize such facility as a place of temporary lodging.

Shelter means either an emergency shelter or a shelter for victims of domestic violence.

Shelter for victims of domestic violence means a residential facility which provides temporary accommodation and support to victims of domestic violence either with or without their minor children, and which is operated by a non-profit, charitable, or religious agency that meets the pre-contract standards of the State of Michigan Domestic Violence Prevention and Treatment Board excluding an adult foster care facility, a prerelease adjustment center, and a substance abuse service facility.

Substance abuse service facility means an establishment which is used on an out-patient basis for the dispensing of compounds or prescription medicines directly to persons that have drug or alcohol abuse problems but excludes a generally recognized pharmacy or licensed hospital that dispenses prescription medicines.

Temporary emergency shelter means a building which is opened on an urgent basis to provide shelter for the homeless from the elements for not more than four (4) weeks in any calendar year, including those operated in concert by churches and other religious organizations that permit the homeless to utilize their facilities as a place of lodging on a weekly rotating basis.

Warming center means a building which is not designed for lodging and is operated for the purpose of sheltering the transient homeless from the elements for brief intervals during any twenty-four (24) hour period.

Sec. 44-5-2. Access.

The owner(s) and/or operator(s) of a shelter shall:

- (1) not discriminate on the basis of marital status, national origin, race, religion, or sexual preference;
- (2) ensure that entrances, exits, steps, and walkways are not obstructed by litter and/or by refuse, as defined in Section 22-2-1 of this Code, or by ice, snow, and other hazards;
- (3) provide direct physical access to the facility without unauthorized use of other private property; and
- (4) allow residents twenty-four (24) hour access for restroom privileges and for the taking of medication.

Sec. 44-5-3. Staffing and training.

(a) The owner(s) and/or operator(s) of a shelter shall maintain a minimum staffing ratio of one (1) staff member for every twenty (20) residents, or fraction thereof, during waking hours, and one (1) staff member for every thirty (30) residents, or fraction thereof, during sleeping hours.

(b) The owner(s) and/or operator(s) of a shelter shall ensure that all staff members are trained in the following areas:

- (1) first-aid;
- (2) fire and emergency procedures including the proper use of fire extinguishers;
- (3) resident complaint and grievance procedures;
- (4) special needs of the homeless or of the victims of domestic violence;
- (5) resident confidentiality requirements; and
- (6) the appropriate chains of authority or command within the shelter.

(c) The owner(s) and/or operator(s) of a shelter shall not staff, with or without remuneration:

- (1) in any position which entails direct contact with residents, any person convicted of arson, murder or attempted murder, or any degree of criminal sexual conduct; or
- (2) in any position which entails direct contact with residents, any person convicted of any other crime involving assaultive or violent behavior for a period of ten (10) years from the date of conviction; or
- (3) in any position which entails contact with minor residents, any person convicted in any state or other country of any crimes against children as described in the Michigan Penal Code, being MCL 750.135; MSA 28.330 through MCL 750.145c; MSA 28.342a.

To ensure compliance with these provisions, the owner(s) and/or operator(s) of a shelter shall require all such staff members to obtain a police clearance and to execute a sworn statement affirming that they do not have a criminal record involving the aforementioned offenses. Unless they receive actual knowledge which contradicts a clearance and/or sworn statement and fail to act upon the information, owners and/or operators of a shelter who are in possession of such clearance(s) and sworn statement(s) are deemed to be in compliance with this section.

Sec. 44-5-4. Space and security.

(a) The absolute maximum occupancy for each shelter shall be established by the Building Official.

(b) Unless an exemption has been granted by the appropriate department, the owner(s) and/or operator(s) of a shelter shall provide sleeping accommodations for each resident which shall consist either of a bed or of a crib with a mattress.

(c) The owner(s) and/or operator(s) of a shelter shall provide adequate sleeping space and security for residents as well as safekeeping for their belongings which shall consist of at least forty-five (45) square feet of floor area per bed or crib and be limited to not more than eight (8) beds or cribs In any one (1) room.

(d) When the National Weather Service Reports either that the temperature or wind chill is below thirty-two degrees fahrenheit (32F) or that a weather advisory Is in effect, the owner(s) and/or operator(s) of a shelter shall be excused from the sleeping space requirements contained in subsection (c).

Sec. 44-5-5. Minor residents.

(a) At all times, minor residents, who are under the age of seventeen (17), shall be attended to or supervised by a parent, a guardian, or a qualified staff member.

(b) The owner(s) and/or operator(s) of a shelter shall not allow minor residents, who are under the age of seventeen (17), to sleep in areas which accommodate adult residents outside of each minor resident's immediate family without assigning at least one (1) staff member to monitor such minor resident. In order to facilitate monitoring by the assigned staff member, each minor resident should be placed in close proximity to his or her respective family and to other minor residents or families with minor residents.

(c) The owner(s) and/or operator(s) of a shelter shall:

(1) ensure that all school age minor residents are enrolled in, and have the opportunity to attend, school as required under MCL 380.1561; MSA 15.41561;

(2) provide space and time to enable school age minor residents to complete homework assignments; and

(3) cooperate with parents, guardians, and appropriate school personnel to promote the educational needs of school age minor residents.

(d) The owner(s) and/or operator(s) of a shelter shall make every effort to provide minor residents with recreational activities and facilities which are separate from those for adult residents.

Sec. 44-5-6. Additional fire safety requirements.

(a) In addition to the requirements contained in the Fire Prevention Code, being Chapter 19, Article III, of this Code, the owner(s) and/or operator(s) of a shelter shall:

(1) post emergency telephone numbers near each telephone including, but not limited to, '911' and poison control;

(2) provide a minimum of one (1) accessible fire extinguisher on each floor;

(3) equip each kitchen with at least one (1) accessible fire extinguisher independent of the floor requirement In Subsection (a)(2); and

(4) not allow either cooking or smoking In any room which is used for sleeping.

(b) When indoor smoking is permitted in a shelter, the owner(s) and/or operator(s) shall restrict such smoking to designated areas. In order to minimize the hazard to minor residents from secondary smoke, such designated areas shall be isolated from areas which are reserved for the activities of minor residents.

Sec. 44-5-7. Additional health, hygiene, and sanitation requirements.

In addition to the requirements contained in the Food Sanitation Code, being Chapter 21, Articles 11 and III, of this Code; the Health and Sanitation Code, being Chapter 24 of this Code; the Michigan Public Health Code, being MCL 333.1101 at seq,- MSA 14.15(l 101) at seq (including, but not limited to, communicable diseases and medical waste), and applicable administrative rules of the Michigan Department of Public Health, being the 1979 Administrative Code and Annual Administrative Code Supplements, the owner(s) and/or operator(s) of a shelter shall:

- (1) provide clean towels, soap, toilet tissue, and bed linens to all residents for use at the facility;
- (2) (a) wash all clothing, towels, and bed linens of residents with communicable diseases or conditions separately from other laundry with detergent and bleach or an equivalent disinfecting agent in water which is at least one hundred thirty degrees Fahrenheit (130*0, or
- (b) have such items laundered by a commercial service; and
- (3) (a) keep all medication, except refrigerated and time-sensitive emergency medication such as nitroglycerin and inhalers, in a locked storage area,
- (b) ensure that a staff member with access to the locked area be on site and available at all times,
- (c) provide refrigeration space, through staff members, for medication requiring refrigeration, and
- (d) maintain a log for all prescription medication which indicates the name of the resident, the name of the medication, the prescribed dosage, the time to be taken, and the time taken.

Sec. 44-5-8. Temporary emergency shelters.

(a) The owner(s) and/or operator(s) of a temporary emergency shelter shall:

- (1) maintain and post in a conspicuous place a valid occupancy permit for the usual purpose of the structure; and
- (2) maintain a minimum staffing ratio of one (1) staff member for every twenty (20) residents, or portion thereof, during waking hours and one (1) staff member for every thirty (30) residents, or portion thereof, during sleeping hours.

(b) Each time operation commences, the owner(s) and/or operators of a temporary emergency shelter shall file with the Consumer Affairs Department a letter of notification within forty-eight (48) hours thereof, excluding holidays and weekends. The letter of notification shall include a statement indicating compliance with this section. In lieu of this procedure, the coordinating entity for rotating temporary emergency shelters may file with the Consumer Affairs Department a quarterly letter of notification which lists participating temporary emergency shelter facilities and the prospective dates of their operation.

Sec. 44-5-9. Criminal penalties.

The owners and/or operator(s) of a shelter, or of a temporary emergency shelter, who violate this article shall be guilty of a misdemeanor and shall be fined up to five hundred dollars (\$500.00), or be sentenced up to ninety (90) days in jail, or both, for each day that the violation continues.

Sec. 44-5-10. Reserved.

Division 11. Licensing Sec. 44-5-11. License required.

It shall be unlawful for any individual, partnership, corporation or organization to establish, maintain, conduct or operate a shelter within the City of Detroit without first obtaining an annual license from the Consumer Affairs Department.

Sec. 44-5-12. Application.

(a) An application for license for a shelter shall be provided by, and filed with, the Consumer Affairs Department. In addition to other required information, the application for license shall contain:

- (1) the address of the proposed shelter site;
- (2) if the applicant is an individual, his or her complete name, home address, telephone number, date of birth, and social security number;
- (3) if the applicant is a partnership, the names, home addresses, telephone numbers, dates of birth, and social security numbers of the partners;
- (4) if the applicant conducts business under a trade or assumed name:
 - (i) all trade or assumed names which the applicant conducts business thereunder; and
 - (ii) the name(s), home address(es), telephone number(s), date(s) of birth, and social security number(s) of the person(s) conducting business under all trade or assumed names of the applicant.
- (5) if the applicant is a corporation:
 - (i) the complete and accurate corporate name;
 - (ii) the state and date of incorporation;
 - (iii) the complete names and home addresses of the officers of the corporation;
 - (iv) the complete name and address of the resident agent of the corporation; and
 - (v) documentation which verifies incorporation as well as compliance with all legal reporting and filing requirements.

(b) In addition, an application for license for a shelter shall contain the applicant's agreement, as manifested by the signature of the person(s) with authority to legally bind the applicant, to comply with the provisions of this article and to notify the police department regarding the presence of any minor under seventeen (17) years of age who is a resident without consent or knowledge of a parent, a guardian, or an adult legally charged with such minor.

(c) If the applicant is leasing the property for the proposed shelter site, the minimum duration of the lease shall be for one (1) year.

(d) the applicant must demonstrate the capacity to operate the shelter in full compliance with this article including obtaining documentation which verifies adequate funding sources for the operation of the facility.

Sec. 44-5-13. House rules required prior to licensure.

(a) Based upon rules promulgated by the Senior Citizen Department pursuant to Section 2-111 of the 1974 Detroit City Charter, the owner(s) and/or operator(s) of a shelter shall submit, along with their application for license, appropriate written house rules which shall be reviewed and approved by the Senior Citizen Department prior to issuance of a license by the Consumer Affairs Department.

(b) Such house rules shall clearly define the respective responsibilities of the owner(s) and/or operator(s), and of the residents.

(c) Such house rules shall be posted on the premises of the facility.

Sec. 44-5-14. Food menu(s) required prior to licensors.

(a) Based upon rules promulgated by the City of Detroit Health Department pursuant to Section 2-111 of the 1974 Detroit City Charter, the owner(s) and/or operator(s) of a shelter which provides food shall submit, along with their application for license, an appropriate menu or menus which has or have been approved by a dietitian registered with the American Dietetic Association (ADA) as verified by his or her name, signature and current ADA registration number, and such approval reviewed by the City of Detroit Health Department prior to issuance of a license by the Consumer Affairs Department.

(b) In preparing such menu or menus, based upon rules promulgated by the City of Detroit Health Department, the owners and/or operators of a shelter shall:

(1) provide meals that, as recommended by the United States Department of Agriculture, are nutritious and adequate in quantity to meet the basic dietary needs of their residents; and

(2) make every attempt to meet the special dietary needs of their residents including, but not limited to, dietary restrictions based upon known medical conditions.

(c) In addition, the owner(s) and/or operator(s) of a shelter who provide food shall make a reasonable effort to make meals available for residents who indicate that, due to personal business reasons, they are unable to return to the shelter at mealtime.

Sec. 44-5-15. Inspections and Investigations.

(a) As appropriate, the Consumer Affairs Department shall refer an application for license for a shelter to the Buildings and Safety Engineering, Fire, Health, and Senior Citizen Departments. A license shall not be issued or renewed until satisfactory inspections and reviews are completed by such department(s), and written reports are issued indicating that the owner(s) and/or operator(s) are complying with all requirements contained in this Code and with rules promulgated by the Health and Senior Citizen Departments as well as all requirements in applicable state statutes and administrative rules.

(b) In addition, the Consumer Affairs Department shall refer each application:

(1) to the Chief of Police who shall cause an investigation whether:

(i) the applicant, or any of its officers, has been convicted of fraud, embezzlement, arson, murder or attempted murder, any degree of criminal sexual conduct, or any crime against children as described in the Michigan Penal Code, being MCL 750.135; MSA 28.330 through MCL 750.145c; MSA 28.342a, or

(ii) the applicant, or any of its officers, has been convicted of any other crime involving assaultive or violent behavior for a period of ten (10) years from the date of conviction; and

(2) to the Director of the Water and Sewerage Department who shall cause an investigation whether any water and/ or sewerage bills regarding the proposed shelter site property are unpaid and outstanding; and

(3) to the Finance Director who shall cause an Investigation whether any property taxes and/or special assessments regarding the proposed shelter site property are unpaid, outstanding and/or delinquent.

A license for a shelter shall not be issued or renewed until the Chief of Police, the Director of the Water and Sewerage Department, and the Finance Director have given their respective written approval.

Sec. 44-5-16. Compliance with applicable codes required prior to licensure.

Depending upon the capacity of the emergency shelter to accommodate a maximum number of residents, the construction design and the inspection(s) to determine code compliance, a shelter shall be designated R-1, R-2, or R-3 for use purposes. As appropriate, based upon its designated use group and prior to licensing, the owner(s) and/or operator(s) of a shelter must comply with all applicable codes which are contained within this Code including, but not limited to:

- (1) the Zoning Code;
- (2) the Fire Prevention Code;
- (3) the Building Code;
- (4) the Electrical Code;
- (5) the Plumbing Code;
- (6) the Mechanical Code;
- (7) the Boiler and Pressure Vessels Code;
- (8) the Stationary Engineer, Boiler Operator and Refrigeration Code;
- (9) the Elevator and Escalator Code;
- (10) the Property Maintenance Code;
- (11) the Food Sanitation Code; and
- (12) the Health and Sanitation Code;

Sec. 44-5-17. Issuance, expiration, and renewal.

(a) A license for a shelter shall be issued pursuant to this section and Chapter 30 of this Code.

(b) All such licenses shall expire on August 31st of each year and shall be renewed on or before September 1 st of each year.

Sec. 44-5-18. Continued compliance with applicable codes and promulgated rules required to retain licensure.

(a) When licensed under the article, the owner(s) and/or operator(s) of a shelter are required to comply with all applicable provisions of this Code and any rules promulgated either by the Director of the Senior Citizen Department or by the Director of the City of Detroit Health Department.

(b) A violation of this article shall subject the owner(s) and/or operator(s) to the suspension, revocation or denial of renewal of their license(s) by the Consumer Affairs Department according to the provisions of Chapter 30 of this Code.

Sec. 44-5-19. Ineligibility for City Contracts after revocation.

(a) Where a license for a shelter has been revoked by the Consumer Affairs Department in accordance with Chapter 30 of this Code, the owner(s) and/or operator(s) shall be ineligible for a period of two (2) years from the date of said revocation to apply to enter into a contract with the City of Detroit to provide emergency shelter.

(b) This provision shall not preclude the owner(s) and/or operator(s) of a shelter from obtaining funding from the City of Detroit to cure defects which would cause the reopening of a shelter whose license has been revoked.

Sec. 44-5-20. Reserved.

Section 2. The provisions of this ordinance shall be deemed severable and if any part of this ordinance is held to contravene any statutory or constitutional provision, the remainder of this ordinance act shall remain in force and affect.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance is declared necessary for the peace, health, safety and welfare of the People of the City of Detroit and shall be given immediate a act.

(J.C.C. P

Passed: April 12, 1995) April 26, 1995

Approved: April 28, 1995 May 2, 1995

Published: May 2, 1995

Effective:

JACKIE L. CURRIE

City Clerk